



04-13-01

PATENT

H/14  
H/14 Petition  
W/D  
-IC  
ABAND  
10-5-CF

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
**Avinoam Rubinstain et al.**

Serial No.: **09/322062**Filing Date: **May 27, 1999**Title: **High Data Rate Ethernet Transport  
Facility Over Digital Subscriber Lines**§ Group Art Unit: **2634**§ Examiner: **Liu, Shuwang**§ Atty. Docket No. **068758.0132**§ Client Ref.: **S2230 GC/aia**

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APR 16 2004

**PETITION UNDER 37 C.F.R. § 1.181**  
**REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT**  
**FOR FAILURE TO RESPOND TO OFFICE ACTION MAILED DECEMBER 4, 2002**

MAIL STOP PETITION  
Honorable Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING VIA EXPRESS MAIL

PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE INFORMATION AND A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS EXPRESS MAIL POST OFFICE TO ADDRESSEE, ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

MAIL STOP PETITION  
HONORABLE COMMISSIONER FOR PATENTS  
P. O. Box 1450  
ALEXANDRIA, VA 22313-1450

EXPRESS MAIL LABEL: **EV449863489US**  
DATE OF MAILING: **04/12/2004**

Dear Sir:

Applicant respectfully petitions the Commissioner, under 37 C.F.R. §1.181(a), to request withdrawal of the holding of Abandonment for Failure to Respond to the Office Action mailed 12-04-02, for the above-referenced patent application.

Pursuant to 37 C.F.R. §1.181(f), this Petition is being filed within the two-month statutory period of reply from the date of mailing of the Notice of Abandonment, or before May 22, 2004, and is therefore considered timely filed.

Applicant respectfully submits that a Non-Final Office Action was mailed December 4, 2002, and the Response thereto was filed via facsimile on June 4, 2003 along with a Petition for Three Month Extension of Time.

Applicant also respectfully submits that a Revocation of power of Attorney and Appointment of New Attorneys was filed January 5, 2004 and a Notice of Acceptance of Power of Attorney was mailed from the USPTO on February 3, 2004.

Enclosed with this Petition are the following items:

- A copy of the Notice of Abandonment, mailed March 22, 2004; and
- A copy of the Response to Office Action Mailed December 4, 2002; facsimile transmittal; and Auto-Reply Facsimile Transmission confirming receipt of same; and
- A copy of the Revocation of Power of Attorney and Notice of Acceptance of Power of Attorney.

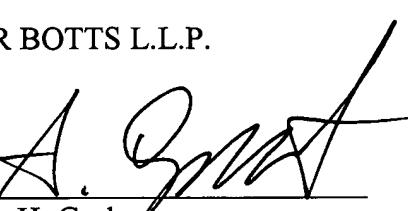
In light of the documents referenced above and the copy attached hereto, Applicant respectfully requests withdrawal of the holding of abandonment.

Applicant does not believe that any fees are due in association with the filing of this Petition. However, if the Commissioner should deem any fees are due, including any fees for Extensions of Time, the Commissioner is hereby authorized to debit Baker Botts L.L.P. Deposit Account Number 02-0383, Order Number 068758.0132.

Also enclosed is a return receipt postcard to acknowledge receipt of this Petition.

BAKER BOTTS L.L.P.

Date: April 12, 2004

By:   
Andreas H. Grubert  
(Limited recognition 37 C.F.R. §10.9)  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002-4995  
Telephone: 713.229.1964  
Facsimile: 713.229.7764  
AGENT FOR APPLICANTS



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Mr. Andreas Horst Lothar Grubert is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Baker Botts LLP, to prepare and prosecute patent applications for clients of Baker Botts LLP in which a member of Baker Botts LLP is the attorney of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Mr. Andreas Horst Lothar Grubert ceases to lawfully reside in the United States, (ii) Mr. Andreas Horst Lothar Grubert's employment with Baker Botts LLP ceases or is terminated, or (iii) Mr. Andreas Horst Lothar Grubert ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

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Expires: June 30, 2004

A handwritten signature in black ink, appearing to read "Harry I. Moatz".

Technology Center 2600

Harry I. Moatz  
Director of Enrollment and Discipline



# UNITED STATES PATENT AND TRADEMARK OFFICE

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201

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,062	05/27/1999	AVINOAM RUBINSTAIN	23005-719	7457

7590            03/22/2004

BAKER BOTTS L.L.P.  
ONE SHELL PLAZA  
910 LOUISIANA  
HOUSTON, TX 77002-4995



EXAMINER
LIU, SHUWANG

ART UNIT	PAPER NUMBER
2634	13

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notice of Abandonment**

Notice of Abandonment	Application No.	Applicant(s)
	09/322,062	RUBINSTAIN ET AL.
	Examiner	Art Unit
	Shuwang Liu	2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 12/04/02.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

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Shuwang Liu  
Primary Examiner  
Art Unit: 2634

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/TITLE
09/322,062	05/27/1999	AVINOAM RUBINSTAIN	23005-719

BAKER BOTTS L.L.P.  
 ONE SHELL PLAZA  
 910 LOUISIANA  
 HOUSTON, TX 77002-4995



CONFIRMATION NO. 7457



\*OC000000011817071\*

Date Mailed: 02/03/2004

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/05/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

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 APR 16 2004  
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LASHAWN D MARKS  
 2600 (703) 306-2939

ATTORNEY/APPLICANT COPY

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BAKER BOTTS LLP